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CENTER FOR DEMOCRACY  
& TECHNOLOGY

1634 Eye Street, NW  
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Washington, DC 20006

December 9, 2010

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Washington, DC 20554  
*Filed Electronically*

RE: Notice of *ex parte* presentation in:

GN Docket No. 09-191  
WC Docket No. 07-52  
GN Docket 10-127

Dear Ms. Dortch,

On Thursday, December 9, David Sohn of the Center for Democracy and Technology (CDT) spoke briefly by telephone with Zachary Katz, legal advisor to Chairman Genachowski. Consistent with CDT's written comments in the above captioned proceedings, Mr. Sohn stressed that any final order adopting open Internet rules should make clear that the FCC's assertion of regulatory authority is limited to access lines and does not extend to content or applications flowing over those lines. Mr. Sohn suggested that the FCC should expressly disclaim such potentially sweeping authority, because overbroad agency authority over the services and communications flowing over the Internet would be directly at odds with the goals of the open Internet proceeding.

Sincerely,

David M. Sohn  
Senior Policy Counsel

